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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,397

Applicant(s)

DANIELI, DAMON V.

Examiner

Bao tran N. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/18/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-40 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 and 41-43 (Canceled) is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-40 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the Applicant's Amendment filed 09/18/2007.

Claims 1-32 and 41-43 are canceled.

Claims 44-47 are newly added.

Claims 33-40 and 44-47 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 33-40 and 44-47 have been considered but are moot in view of the new ground(s) of rejection in view of Kim.

Applicant argues, "Miura also fails to disclose or suggest that the first player initiates peer-to-peer communications with the second player, as claimed" (Page 9 of Remarks).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the first player initiates peer-to-peer communications with the second player) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues, "Miura also clearly fails to teach or suggest that upon a first player selecting a second player to initiate communications with that the server provides the first player with the communication information that is needed to initiate

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peer-to-peer communications (including IP address information of the player, for example). Miura also fails to disclose or suggest that the first player initiates peer-to-peer communications with the second player, as claimed.

Examiner respectfully disagrees with the applicant's remarks and still maintains that Miura teaches the above limitations on column 5, lines 33-62 of Miura, wherein machine identification is clearly an IP address, and players, A, B, and C show the peer-to-peer communication among each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33, 37-39 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent Application Publication 2002/0193162 A1) hereinafter Walker in view of Miura (U.S. Patent 6,322,451 B1) hereinafter Miura and further in view of Kim (U.S. Patent Application Publication 2002/0013811 A1) hereinafter Kim.

Regarding Claims 33 and 37-38, Walker discloses a method for enabling players in a multiplayer game to communicate with each other in a peer-to-peer network connection, in which communications of the peer-to-peer network connection bypass

the game server hosting the multiplayer game, and so as to reduce a workload of the game server hosting the multiplayer game (paragraph 0198), the method comprising of:

(a) requiring each person requesting to play in the multiplayer game to first enroll in a game service operating the game server (Figure 3, element 312);

(b) authenticating each player attempting to play in the multiplayer game by determining if each corresponding player is enrolled in the game service, so that only persons who have enrolled in the game service are allowed to access the multiplayer game as a player (Figure 3, elements 308 and 310).

Walker does not disclose "(c) providing a first player that is authenticated and that has accessed the multiplayer game a list identifying at least one other player that is authenticated and that is enabled to communicate with the first player in a peer-to-peer network connection."

However Miura explicitly discloses (c) providing a first player that is authenticated and that has accessed the multiplayer game a list identifying at least one other player that is authenticated and that is enabled to communicate with the first player in a peer-to-peer network connection (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Miura's invention within Walker to include providing a first player that is authenticated and that has accessed the multiplayer game a list identifying at least one other player that is authenticated and that is enabled to communicate with the first player in a peer-to-peer network connection. One of ordinary skill in the art would have been motivated to do this because it would

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allow the player to select a desired player among other players so that the player can enjoy a fighting with the selected player in a common game space (col. 1, lines 53-57).

Walker and Miura disclose the limitations of Claim 33 above. Furthermore, Walker and Miura disclose (d) enabling the first player to select a second player from the list in a request from the first player for communication information corresponding to the second player and that is required to establish the peer-to-peer connection between the first player and the second player and (Miura, Figure 5, col. 5, lines 53-55).

Walker and Miura do not disclose "a request that includes at least an IP address of the second player, in response to (e) in response to the request, transmitting the communication information comprising at least the IP address corresponding the second player from the game server to the first player, wherein the first player, upon receiving the communication information, uses the received communication information to attempt to open a peer-to-peer communication with the second player."

However, Kim explicitly discloses a request that includes at least an IP address of the second player, in response to (e) in response to the request, transmitting the communication information comprising at least the IP address corresponding the second player from the game server to the first player, wherein the first player, upon receiving the communication information, uses the received communication information to attempt to open a peer-to-peer communication with the second player (Figure 7, paragraph 0038).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Kim's invention within Walker and Miura to include a request that includes at least an IP address of the second player, in response to (e) in response to the request, transmitting the communication information comprising at least the IP address corresponding the second player from the game server to the first player, wherein the first player, upon receiving the communication information, uses the received communication information to attempt to open a peer-to-peer communication with the second player. One of ordinary skill in the art would have been motivated to do this because it would allow the player to select a desired player among other players so that the player can enjoy a fighting with the selected player in a common game space (col. 1, lines 53-57).

Regarding Claim 39, Walker, Miura and Kim disclose the limitations of Claim 38 above. Furthermore, Walker, Miura and Kim disclose wherein the information includes a user key assigned to the second authorized player by the game system, and which is used by the first player in the attempt to open the peer-to-peer connection with the second player, (Walker, Figure 3, element 316), thereby assuring the second authorized player that the first player's request to open the peer-to-peer communication comes from a trusted player (Walker, paragraphs 0194 and 0198).

Regarding Claim 44, Walker, Miura and Kim disclose the limitations of Claim 33. Walker, Miura and Kim disclose wherein the list is limited to players on a same team (Miura, col. 6, lines 1-60).

Regarding Claim 45, Walker, Miura and Kim disclose the limitations of Claim 33. Walker, Miura and Kim disclose wherein the list is limited to players playing a game within a same game world and within a predetermined proximity within the game world (Miura, col. 9, lines 1-10).

Regarding Claim 46, Walker, Miura and Kim disclose the limitations of Claim 33. Walker, Miura and Kim disclose the communication information includes a specific port address (Walker, paragraph 0111).

Regarding Claim 47, Walker, Miura and Kim disclose the limitations of Claim 33. Walker, Miura and Kim disclose the IP address comprises an internal IP address associated with a shared Internet connection (Kim, paragraph 0030).

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, Miura and Kim as applied to claim 33 above, and further in view of Neuman et al. "Kerberos: An Authentication Service for Computer Networks" hereinafter Neuman.

Regarding Claim 34, Walker, Miura and Kim disclose the limitations of Claim 33 above. Furthermore, Walker, Miura and Kim disclose wherein authenticating each player attempting to access the multiplayer game comprises assigning each player a unique user key (Walker, Figure 3, element 316), but do not explicitly disclose wherein transmitting information about the second player from the server to the first player comprises transmitting the second player's unique user key to the first player, which is used by the first player in the attempt to open the peer-to-peer connection with the second player, thereby assuring the second player that first player's attempt to open the peer-to-peer communication comes from a trusted player participating in the multiplayer game hosted by the game server. However, Neuman expressly discloses wherein transmitting information about the second player from the server to the first player comprises transmitting the second player's unique user key to the first player, which is used by the first player in the attempt to open the peer-to-peer connection with the second player, thereby assuring the second player that first player's attempt to open the peer-to-peer communication comes from a trusted player participating in the multiplayer game hosted by the game server (Figure 1, Pages 34 and 35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Neuman's invention within Walker, Miura and Kim to include wherein transmitting information about the second player from the server to the first player comprises transmitting the second player's unique user key to the first player, which is used by the first player in the attempt to open the peer-to-peer connection with the second player, thereby assuring the second player that first player's attempt to open the

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peer-to-peer communication comes from a trusted player participating in the multiplayer game hosted by the game server. One of ordinary skill in the art would have been motivated to do this because it would allow the player to select a desired player among other players so that the player can enjoy a fighting with the selected player in a common game space (col. 1, lines 53-57).

5. Claims 35-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, Miura and Kim as applied to claims 33 and 38 above, and further in view of Perlman (U.S. Patent 5,586,257) hereinafter Perlman.

Regarding Claims 35 and 40, Walker, Miura and Kim disclose the limitations of Claims 33 and 38 above. Walker, Miura and Kim further disclose wherein if after receiving the communication information about the second player, the first player is unsuccessful in the attempt to establish the peer-to-peer communication with the second player (Walker, paragraphs 0194 and 0198), Walker, Miura and Kim do not disclose the method further comprises: (a) notifying the game server that the attempt by the first player to establish the peer-to-peer communication has failed.

However, Perlman explicitly discloses (a) notifying the game server that the attempt by the first player to establish the peer-to-peer communication has failed (col. 14, line 40 through col. 15, line 20).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Perlman's invention within Walker,

Miura and Kim to include notifying the game server that the attempt by the first player to establish the peer-to-peer communication has failed. One of ordinary skill in the art would have been motivated to do this because it would provide the directly link the first computer with second computer (col. 4, lines 27-30).

Furthermore, Walker, Miura, Kim and Perlman disclose (b) transmitting information about the first player from the game server to the second player, the information being required for enabling the peer-to-peer communication to be established between the first player and the second player (Perlman, col. 17, 28-33); and (c) requesting the second player to establish the peer-to-peer communication with the first player (Perlman col. 4, lines 40-42 and col. 21, lines 45-55).

Regarding Claim 36, Walker, Miura, Kim and Perlman disclose the limitations of Claim 35 above. Furthermore, Walker, Miura and Perlman disclose wherein if after receiving information about the first player, the second player is unable to establish the peer-to-peer communication with the first player, the method further comprises routing each communication between the first player and second player through the game server (Perlman, col. 14, line 40 through col. 15, line 20).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Tran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanhnga B. Dy AU2135

BT
11/19/2007

THANHNGA TRUONG
PRIMARY EXAMINER